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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/632,466      | 08/04/2000  | Henry Milan          | 1-14402             | 1939             |

7590 10/29/2003

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EXAMINER

HUYNH, KIM T

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2189

DATE MAILED: 10/29/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/632,466

Applicant(s)

MILAN ET AL.

Examiner

Kim T. Huynh

Art Unit

2189

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Mizutan et al. (Pub No. :US 2003/0043771 A1)

a. As per claims 1 and 10, Mizutan discloses wireless USB hub for providing communication between at least one remote conventional wireless peripheral device and a computer having a USB port comprising:

- a data reception circuit for receiving a wireless data signal directly from the at least one remote conventional wireless peripheral device;(abstract, [0014-0015]), [0077], wherein port5 connected to device as applicant's transmitter build in keyboard for transmitting/receiving information of wireless hub)
- an upstream USB port connected to the computer; and ([0116], wherein upstream to computer and downstream to device)
- a hub controller connected between said data reception circuit and said upstream USB port whereby when said upstream USB port is

connected to the USB port of the computer and the at least one remote conventional wireless peripheral device generates the wireless data signal to said data reception circuit, said hub controller converts the wireless data signal to a USB data signal and passes said USB data signal to said upstream port for transmission to the computer.[116], [0077]

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-9, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizutani et al. (Pub. No.: US 2003/0043771 A1)

a. As per claim 2, Mizutani discloses data reception circuit further includes receiver (fig.1, 21) for receiving wireless information from at least one of the one or more remote peripheral devices. [0047]

Although Mizutani fails to disclose RF receiver for receiving wireless information. Mizutani does teach transceiver (fig.1,21)

Examiner take Official Notice that RF receiver and transceiver are well known in the art for providing a means of receiving wireless information.

It would have been obvious one having ordinary skills in the art at the time the invention was made to have RF receiver or transceiver with the same purpose of receiving wireless information.

b. As per claim 3, Mizutani discloses data reception circuit further includes a signal discriminator for receiving information from said receiver and presenting the peripheral device data information to hub controller. ([0047], [0020],[0014], wherein a hub and port each have a device identifier uniquely assigned)

c. As per claim 5, Mizutani discloses further including three separate data reception circuits each corresponding to a separate remote peripheral device, wherein each of data reception circuits include a separate receiver. ([0015], (fig.1,23 transceiver, wherein a hub is controlling each port has a device identifier assigned to them which implies separation of data reception)

Although Mizutani discloses limitations as above showing each corresponding to a separate remote peripheral. However Mizutani fails to discloses three separate data reception circuits It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the additions of 2<sup>nd</sup> and 3<sup>rd</sup> circuits since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

d. Claims 6 and 11, Mizutani discloses all the limitations as above except RF receiver is a DSSS BPSK modulation receiver as claimed in claims 6 and 11. However, Applicant Admitted Prior Art RF receiver is conventional DSSS BPSK modulation receiver which is well known in the art. (page 10, lines 9-10)

It would have been obvious one having ordinary skills in the art at the time the invention was made to have DSSS BPSK modulation receiver with the same purpose of modulating signals to correlated signal for communicating between devices.

c. As per claim 3, Mizutani discloses data reception circuit further includes a signal discriminator for receiving information from said receiver and presenting the peripheral device data information to hub controller. ([0047], [0020],[0014], wherein a hub and port each have a device identifier uniquely assigned)

e. As per claims 4, 8 and 9, Mizutani discloses hub controller further includes a serial interface engine (fig.1, 15) for converting the remote peripheral information into USB format. [0015]

### ***Response to Arguments***

4. Applicant's arguments filed on 8/8/03 have been fully considered but are not persuasive

a. In response to applicant's argument that the wireless USB hub according to the present invention does not require the Mizutani et al. wireless port 5 since Applicant's wireless USB hub is not communicating with non wireless USB devices as does the Mizutani et al. wireless hub 3. the Mizutani wireless hub 3 cannot receive a wireless data signal from a conventional wireless peripheral device since it communicates utilizing a state change transmission method for transmitting USB packets. Mizutani's system does support to wireless usb; as Mizutani notes at abstract that the wireless hub performs communication with the computer by converting a USB

packet routed to a device into a wireless signal, and a wireless signal received from a device into a USB packet. The wireless port attached to each device(not to a hub) also converts a wireless signal into a USB packet and vice versa; there is no wire between the wireless hub and port 5. The wireless port is attached to each device as it is equivalent to applicant's invention the transmitter which build within the device for transmitting/receiving information from/to device. It is clearly Mizutani's system is supporting wireless communication.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Green [USPN 6,519,290] discloses a conventional wireless system, USB hub (col.1, lines 40-59)

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Huynh whose telephone number is (703)305-5384 or via e-mail addressed to [kim.huynh3@uspto.gov]. The examiner can normally be reached on M-F 8:30AM- 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703) 305-4815 or via e-mail addressed to [mark.rinehart@uspto.gov]. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7249 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-5631.

Kim Huynh

Oct. 17, 2003



PAUL R. MYERS  
PRIMARY EXAMINER